

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JOSE ARGUETA,

Plaintiff,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

Case No. 2:15-cv-02254-RFB-PAL

**REPORT OF FINDINGS AND  
RECOMMENDATION**

This matter is before the court on Plaintiff Jose Argueta's ("Argueta") failure to comply with this court's Order (Dkt. #15) and Order to Show Cause (Dkt. #20).

On February 26, 2016, the court entered an Order (Dkt. #15) requiring Argueta to file a notice with the court disclosing all persons, associations of persons, firms, partnerships or corporations (including parent corporations) that have a direct, pecuniary interest in the outcome of the case on or before March 17, 2016. The order warned Argueta that his failure to comply "may result in the issuance of an order to show cause why sanctions should not be imposed." *Id.* Argueta failed to file the notice and did not request an extension of time in which to comply with the court's Order (Dkt. #15).

On April 11, 2016, the court entered an Order to Show Cause (Dkt. #20) because Argueta failed to comply with the court's previous Order (Dkt. #15). The court directed Argueta to show cause in writing no later than April 28, 2016, why he had not complied with the court's Order (Dkt. #15). The Order to Show Cause (Dkt. #20) advised Argueta that "[f]ailing to comply with court's orders may result in sanctions, up to and including case-dispositive sanctions." Argueta failed to file a response to the Order to Show Cause (Dkt. #20), and he has not requested an extension of time in which to do so.

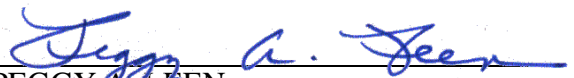
Argueta has also not responded to Defendants' Motion to Dismiss (Dkt. #10).

1 Argueta's willful failure to comply with the court's Orders is an abusive litigation  
 2 practice that has interfered with the court's ability to hear this case, delayed litigation, disrupted  
 3 the court's timely management of its docket, wasted judicial resources, and threatened the  
 4 integrity of the court's orders and the orderly administration of justice. The notice is required for  
 5 the court to assess whether a conflict of interest exists that requires an assigned judge to  
 6 disqualify himself or herself. Sanctions less drastic than dismissal are unavailable because  
 7 Argueta has willfully refused to comply with multiple court Orders.

8 Accordingly,

9 **IT IS RECOMMENDED** that this case be dismissed unless Argueta files the notice no  
 10 later than **May 31, 2016**.

11 DATED this 9th day of May, 2016.

12   
 13 PEGGY A. ZEEN  
 14 UNITED STATES MAGISTRATE JUDGE

15 **NOTICE**

16 This Report of Findings and Recommendation is submitted to the assigned District Judge  
 17 pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for  
 18 the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the  
 19 district court's judgment. *See* Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local  
 20 Rules of Practice, any party wishing to object to a magistrate judge's findings and  
 21 recommendations of shall file and serve *specific written objections*, together with points and  
 22 authorities in support of those objections, within 14 days of the date of service. *See also* 28  
 23 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to  
 24 Magistrate Judge's Report of Findings and Recommendation," and it is subject to the page  
 25 limitations found in LR 7-3(b). The parties are advised that failure to file objections within the  
 26 specified time may result in the district court's acceptance of this Report of Findings and  
 27 Recommendation without further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121  
 28 (9th Cir. 2003). In addition, failure to file timely objections to any factual determinations by a

1 magistrate judge may be considered a waiver of a party's right to appellate review of the findings  
2 of fact in an order or judgment entered pursuant to the recommendation. *See Martinez v. Ylst*,  
3 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. Pro. 72.